

ORIGINAL
FILE

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

JAN - 4 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of the Cable Television)
Consumer Protection and Competition)
Act of 1992)

MM Docket No. 92-259

Broadcast Signal Carriage Issues)

COMMENTS OF MSTV

The Association for Maximum Service Television, Inc., (MSTV) hereby comments on the Notice of Proposed Rulemaking issued in the above-captioned docket on November 19, 1992 (the "Notice").^{1/}

The Notice seeks comment on issues arising out of the Commission's obligation to adopt regulations implementing Sections 4-6 of the Cable Television Consumer Protection and Competition Act of 1992 ("the 1992 Cable Act" or "the Act"), which, inter alia, require cable systems to carry the signals of qualified commercial and noncommercial broadcast stations. In keeping with its mission to protect and enhance the technical quality of broadcast signals, MSTV's comments are directed to those portions of the Notice which involve the obligation of cable systems to maintain the quality of the broadcast signals they carry and to carry information and

^{1/} MSTV is an organization composed of over 250 VHF and UHF broadcast television stations, located in markets of all sizes, which is dedicated to maintaining and enhancing the technical quality of broadcast television.

No. of Copies rec'd
List A B C D E

enhancements other than the primary video and audio programming.

I. Signal Carriage

Section 4(b)(4)(B) of the Act specifies that cable systems shall carry local broadcast signals "without material degradation" and instructs the Commission to ensure that "to the extent technically feasible" the quality of signal processing and carriage for local commercial stations is "no less than that provided for carriage of any other type of signal". Section 5(g)(2) imposes a similar obligation with respect to noncommercial signals.

The Notice seeks comment on these obligations in general and specifically on whether the Commission need adopt any signal quality standards in addition to those adopted in its cable technical rulemaking. Report and Order in MM Docket Nos. 91-169 and 85-38, 7 FCC Rcd 2021 (1992) and Memorandum Opinion and Order in MM Docket Nos. 91-169 and 85-38, FCC 92-508, adopted November 10, 1992.

As the Notice observes, the cable technical rules already adopted do in very large measure appear to satisfy the statutory requirements regarding signal quality. However, as the Notice also appears to concede, there is at least one respect in which the statute appears to require more. In its cable technical proceeding, the Commission specifically held that "it is [not] appropriate to require cable television

systems otherwise meeting our standards to improve the quality of any signal received by the system." Report and Order, supra at ¶ 14. The Commission instead required cable operators to take "reasonable efforts" to ensure that the signals it received were not further degraded. Id. at ¶ 15.

By contrast, the Act expressly declares that the level of signal processing devoted to broadcast signals shall be "no less" than that provided to "any other type of signal." Thus, while the Act does not require that a cable system take efforts to improve the quality of any of the signals it receives, broadcast or otherwise, it does mandate that if a cable system take steps to improve any of those signals, that it do the same for all broadcast signals.^{2/} Accordingly, the Commission should note that the above-cited language in the Report and Order is modified to this extent and should include the requirement in its cable technical regulations that if a cable system takes any steps to improve the quality of any of its signals, it must do the same for broadcast signals.

II. Carriage of Signal Enhancements/Ghost Cancelling

The Notice also seeks comment on Section 614(b)(3)(A) of the Act, which permits cable operators "where appropriate and feasible" to strip off signal enhancements,

^{2/} The Act mitigates the potential burden of this obligation by requiring broadcast stations to deliver to cable operators a good quality signal. Section 4(h)(1)(B)(iii).

such as ghost cancelling, and employ such enhancements at their headends. Notice at ¶ 32.

MSTV is gravely concerned with the potentially destructive impact of permitting cable systems to replace broadcast ghost cancelling signals. Just last week, acting on a petition for rulemaking filed by the Advanced Television Systems Committee (ATSC), the Commission adopted a Notice of Proposed Rulemaking in MM Docket No. 92-305 (adopted December 28, 1992), FCC Report No. DC-2298, looking towards the reservation of Line 19 of the vertical blanking interval for carriage of a ghost cancelling reference signal. The ATSC petition and the proposed ghost cancelling system are the product of an historic cooperative effort among the broadcast, cable and equipment manufacturing industries to tackle what the Commission has termed "the most significant defect [in NTSC transmissions] yet to be eliminated or minimized."

Underlying this effort is the important objective of achieving universal penetration of Line 19 decoders in all receivers. To achieve this objective, receiver manufacturers must have the incentive and the assurance that this technology will be utilized by all stations and cable systems and that it will be utilized effectively.

Alternate use of Line 19 by cable systems for purposes other than ghost cancelling could impair this process. The use of Line 19 by cable systems to transmit other information could falsely trigger Line 19 decoders and

actually impair reception on those sets. Moreover, even if the Commission were to forbid cable operators from using Line 19 for other purposes, as it should, widespread cable usage of an alternative ghost cancelling technique would lessen the incentive of the manufacturers to install Line 19 decoders in all sets. Without universal penetration of such decoders, the result will be that broadcast signals will continue to be handicapped in their competition with cable and other non-over-the-air signals.

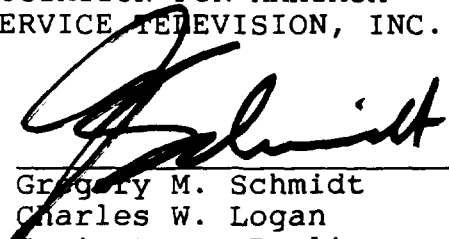
The Commission appears to have the authority to bar any stripping of ghost-cancelling reference signals. The language of the Act permits such stripping only where "appropriate" and the legislative history demonstrates that Congress' intent was to permit stripping and replacement only where it would facilitate delivery of broadcast programming. House Report at 93. MSTV would urge that the Commission exercise this authority and, at least until it has concluded the Line 19 rulemaking and given the new ghost-cancelling

system a substantial period of operation, to prohibit stripping of Line 19 signals.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.

By:



Gregory M. Schmidt
Charles W. Logan
Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-6000

Its Attorneys

Mr. Julian L. Shepard
Vice President &
General Counsel
Mr. Victor Tawil
Vice President
1400 16th Street, N.W.
Suite 610
Washington, D.C. 20036

January 4, 1993